

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM HAROLD GALVIN, JR.,)	
)	
Plaintiff,)	Civil Action No. 7:21cv00351
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
JEFFREY L. GRIMM,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendant.)	

Plaintiff William Harold Galvin, an inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On April 15, 2022, the defendant filed a motion for summary judgment, and on April 18, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 32–34.) The *Roseboro* notice gave Galvin 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendant’s motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” (*See* ECF No. 34.) The notice further advised Galvin that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*)

In an Order entered on August 11, 2022, in light of additional evidence that had been made available to him, the court gave Galvin an additional 45 days to file a response to the defendant’s motion for summary judgment. (*See* ECF No. 40.) Galvin did not respond to the

motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 5th day of October, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE